

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

A. Status of Claims and Explanation of Amendments

Claims 1–3 and 5–6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,637,853 to Ahne et al. (“Ahne”) in view of U.S. Patent No. 6,714,748 to Nakayasu et al. (“Nakayasu”). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahne as modified by Nakayasu and further in view of U.S. Patent No. 6,659,580 to Horikoshi (“Horikoshi”). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0054185 listing inventor Kinoshita (“Kinoshita”) in view of U.S. Patent No. 7,029,095 to Tsuboi et al. (“Tsuboi”).

Claims 1–7 are pending. By this paper, claims 1, 5, and 7 are amended, claims 8 and 9 are added, and claim 3 is canceled without prejudice or disclaimer.

Claim 1 is amended to recite a “print medium feeding means for feeding one of a plurality of stacked print media, which feeds the print medium so that the print medium reaches to a print medium conveying means which is in a resting state, and said print medium conveying means for conveying said print medium fed by said print medium feeding means to a position where printing can be carried out using said print head, the apparatus comprising: preliminary ejection performing means that causes the print head to eject ink at a capping position, the ejecting ink at the capping position being

not related to printing; and ... performance of a preliminary ejecting operation by said preliminary ejection performing means during a part of the period of the performance of the print medium feeding and conveying operation.” (Emphasis added). Claims 5 and 7 are similarly amended. Support for the amendments can be found throughout the disclosure as originally filed. No new matter will be added to this application by entry of these amendments. Accordingly, Applicant respectfully requests entry of these amendments.

B. Claims 1–2 and 4–9 Are Patently Distinct From Ahne Alone Or In Combination With Nakayasu And/Or Horikoshi And/Or Kinoshita And/Or Tsuboi

The rejection of claim 1 is respectfully traversed. As explained more fully below, the requirements for such rejections are not met. Specifically, Applicant’s claim 1 recites:

“1. An ink jet printing apparatus having carriage scanning means for moving and scanning a carriage on which a print head that ejects ink is mounted, print medium feeding means for feeding one of a plurality of stacked print media, which feeds the print medium so that the print medium reaches to a print medium conveying means which is in a resting state, and said print medium conveying means for conveying said print medium fed by said print medium feeding means to a position where printing can be carried out using said print head, the apparatus comprising:

preliminary ejection performing means that causes the print head to eject ink at a capping position, the ejecting ink at the capping position being not related to printing; and

control means for, before printing to the print medium which has not been printed yet, causing said print medium feeding means and said print medium conveying means to perform a

print medium feeding and conveying operation in which said print medium is conveyed continuously while shifting said print medium from said print medium feeding means to said print medium conveying means and causing in parallel, performance of a preliminary ejecting operation by said preliminary ejection performing means during a part of the period of the performance of the print medium feeding and conveying operation,

wherein there is an overlapping period in which said print medium feeding means and said print medium conveying means are driven simultaneously, and said control means controls such that said preliminary ejecting operation is not performed in the overlapping period.”

Ahne is directed to an apparatus for detecting faulty nozzles in an ink jet printer. The apparatus shown in Figure 1 has a print head (24), a carriage (28) and print medium (8). [Ahne, Fig. 1]. The carriage (28) “is mechanically connected to the print head (24) for providing movement of the print head (24) adjacent the print medium (8).” [Ahne, col. 3, lns. 42-46].

According to the Office Action, Ahne’s carriage (28) corresponds to the “carriage scanning means” recited in Applicant’s claim 1. Further, the Office Action alleges that Ahne’s print head (24) corresponds to the print head recited in Applicant’s claim 1. [6/4/07 Office Action, p. 2].

Without commenting on those assertions, we note that there is no assertion and Applicant cannot find that Ahne teaches, discloses or suggests a print medium feeding means “which feeds the print medium so that the print medium reaches to a print medium conveying means which is in a resting state” as recited in Applicant’s claim 1, nor is there an assertion and Applicant cannot find that Ahne teaches, discloses or

suggests a “preliminary ejection performing means that causes the print head to eject ink at a capping position, the ejecting ink at the capping position being not related to printing” as recited in Applicant’s claim 1.

Nakayasu is directed to an image forming apparatus. The apparatus shown in Figure 2 has a conveyor belt unit (11), a hopper (14) and a pickup roller (16). [Nakayasu, Fig. 2]. A “stack of sheets of recording paper in the hopper (14) is paid out one sheet after another from the top of the stack by the action of a pickup roller (16).” [Nakayasu, col. 12, lns. 14-25 and 45-56].

According to the Office Action, Nakayasu’s conveyor belt unit (11) corresponds to the “print medium conveying means” recited in Applicant’s claim 1, the pickup roller (16) acting to pay out sheets of paper from the hopper (14) corresponds to the “print medium feeding means” recited in Applicant’s claim 1, and the test-pattern image forming control unit (100) corresponds to the “control means” recited in Applicant’s claim 1.

Without commenting on those assertions, we note that there is no assertion and Applicant cannot find that Nakayasu teaches, discloses or suggests a print medium feeding means “which feeds the print medium so that the print medium reaches to a print medium conveying means which is in a resting state” as recited in Applicant’s claim 1, nor is there an assertion and Applicant cannot find that Nakayasu teaches, discloses or suggests a “preliminary ejection performing means that causes the print head to eject ink

at a capping position, the ejecting ink at the capping position being not related to printing” as recited in Applicant’s claim 1.

Additionally, we note that there is no assertion and Applicant cannot find that Horikoshi, Kinoshita, nor Tsuboi teaches, discloses or suggests a print medium feeding means “which feeds the print medium so that the print medium reaches to a print medium conveying means which is in a resting state” as recited in Applicant’s claim 1, nor is there an assertion and Applicant cannot find that Horikoshi, Kinoshita, nor Tsuboi teaches, discloses or suggests a “preliminary ejection performing means that causes the print head to eject ink at a capping position, the ejecting ink at the capping position being not related to printing” as recited in Applicant’s claim 1.

Accordingly, as Applicant cannot find the print medium feeding means “which feeds the print medium so that the print medium reaches to a print medium conveying means which is in a resting state” nor a “preliminary ejection performing means that causes the print head to eject ink at a capping position, the ejecting ink at the capping position being not related to printing” as recited in Applicant’s claim 1 in Ahne, Nakayasu, Horikoshi, Kinoshita, nor Tsuboi, independent claim 1 is respectfully asserted to be patentably distinct from the cited references. For at least similar reasons, independent claims 5 and 7 and dependent claims 2, 4, 6, 8, and 9 are also believed to be in condition for allowance.

Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from

Appl. No. 10/766,989
Paper Dated October 4, 2007
Reply to Office Action dated June 4, 2007

which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Appl. No. 10/766,989
Paper Dated October 4, 2007
Reply to Office Action dated June 4, 2007

CONCLUSION

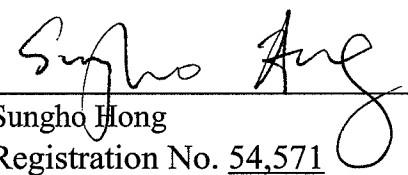
This application is believed to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5267.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 4, 2007

By:



Sungho Hong
Registration No. 54,571

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile